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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Vicky Fail

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Georgia

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Georgia

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®]Express(G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☒ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

May 03, 2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable Georgia (insert state) Law
- 3 Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____

16 13. Jury Trial demanded for all issues so triable?

17 ☒ Yes

18 ☐ No

1 RESPECTFULLY SUBMITTED this 8th day of November 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 8th day of November 2017, I electronically
13 transmitted the attached document to the Clerk's Office using the CM/ECF System for
14 filing and transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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